

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN J. BUCKSHAW,)	
)	Civil Action No. 12 – 1553
Petitioner,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
ATTORNEY GENERAL OF)	
PENNSYLVANIA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

The habeas petition and motion to stay state court proceedings in this case were originally filed in the Third Circuit Court of Appeals on October 22, 2012. Because Petitioner is seeking habeas relief regarding his conviction out of Allegheny County, the Third Circuit transferred the case to this Court and the current case was initiated.

Petitioner currently has a habeas petition pending in his Court in Civil Case No. 12-cv-300. Upon review, it is clear that the habeas petition and motion Petitioner filed with the Third Circuit that was transferred to this Court concerns the same underlying state court matter as that in Case No. 12-cv-300. Specifically, Petitioner is challenging his January 1996 finding of guilt for disorderly conduct out of Allegheny County at docket number MJ-05227-NT-0000661-1995. Respondents in Case No. 12-cv-300 have filed a Motion to Dismiss the habeas petition to which Petitioner has replied. That motion is currently pending and will be reviewed by the Court in the order in which it was received. However, this case will be dismissed because it is duplicative to that at Case No. 12-cv-300. Therefore,

IT IS ORDERED this 8th day of November, 2012, that this case is hereby dismissed as duplicative and the Clerk of Court is to mark this case closed.

IT IS FURTHER ORDERED that the parties are allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
Chief United States Magistrate Judge

cc: John J. Buckshaw
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